

### **IN THE CLAIMS:**

Please cancel claims 1, 2, and 14 - 17.

Claims 3, 5, 7, and 11 - 13 have been amended to read as follows:

3. (Once Amended) A method according to claim 18, wherein said solvent is selected from the group consisting of hexane, pentane, butane, propane and other non-polar solvents having a boiling point of  $\leq 64^{\circ}\text{C}$ .

5. (Once Amended) A method according to claim 18, wherein said step of providing capsicum in powder form comprises removing stems and seeds from capsicum pods and then grinding said pods.

7. (Once Amended) A method according to claim 18, wherein said liquid solution is heated until the solvent content thereof is reduced to  $\leq 1\%$  by volume.

11. (Once Amended) A method according to claim 18, wherein said liquid solution is brought to atmospheric pressure.

12. (Once Amended) A method according to claim 18, which further includes the step of separating a liquid solution of capsicum in said solvent from any solid or non-dissolved material.

13. (Once Amended) A method according to claim 18, wherein said step of separating comprises filtering to remove any solid or non-dissolved material.

Please add claims 18 and 19.

18. A method of providing an essential oil extract of capsicum, wherein the extract contains capsaicinoid and terpene, said method including the steps of:

providing capsicum in powder form;

mixing said capsicum with a solvent to dissolve at least some of the

capsicum; and

during or after said mixing step, bringing a liquid solution of capsicum in said solvent to a temperature of  $\leq 64^{\circ}\text{C}$  to significantly reduce the solvent content thereof and produce an essential oil extract that contains capsaicinoid and terpene.

19. A method according to claim 18, wherein said essential oil extract contains a naturally occurring capsaicinoid to terpene ratio.